IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

S.B.CRIMINAL MISC. PETITION NO. 128/2006
(Daulat Singh Vs. State of Rajasthan & Anr.)

Date of Order : 03/10/2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. A.K.Singh for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. M.S.Purohit for the non-petitioner No.2.

**BY THE COURT**:-

The order impugned dated 12.1.2006 passed by Additional Sessions Judge (Fast Track), No.1, Bikaner (for short 'the trial court' hereinafter) is a final order, whereby the application filed by the complainant petitioner under Section 319 Cr.P.C. was dismissed. The order impugned passed by the trial court is revisable and an alternative remedy of revision is available to the petitioner under the Statute and therefore, the instant petition under Section 482 Cr.P.C. is not maintainable.

The instant petition under Section 482 Cr.P.C. is therefore, dismissed as not maintainable. Stay petition also stands dismissed. However, it is open for the petitioner to

challenge the order impugned by way of revision and if the petitioner files such a revision within a period of 30 days from today, the period of limitation will not come in the way of the petitioner as the petitioner has been prosecuting the matter under a misconception.

**(H.R.PANWAR),J.**

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